

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09CV117-01-MU

MARK BROWN,

Plaintiff,

v.

MEDICAL STAFF AT PENDER CORR. INST.,

Defendants.

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ORDER

THIS MATTER is before this Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983 which was filed by the Plaintiff pro se.

Venue in a civil action based upon a federal question is proper in : 1) a judicial district where any defendant resides, if all defendants reside in the same State, 2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or 3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b).

The Complaint lists the medical staff of a correctional institution located in the Eastern District of North Carolina as the defendant. As such, it appears likely from the face of the Complaint, that all of the Defendants reside in the Eastern District of North Carolina. In addition, a substantial part of the events or omissions giving rise to Plaintiff's lawsuit took place in the Eastern District of North Carolina. Consequently, the Court will transfer Plaintiff's Complaint to the United

States District Court for the Eastern District of North Carolina.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Complaint and all documents contained in his case file be **TRANSFERRED** to the United States District Court for the Eastern District of North Carolina.

Signed: April 1, 2009

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

